

007 - 4 2010

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE STATE STREET BANK AND
TRUST CO. FIXED INCOME FUNDS
INVESTMENT LITIGATION

This Document Relates To:

APOGEE ENTERPRISES, INC., ON
BEHALF OF THE APOGEE
ENTERPRISES, INC. 401(K)
RETIREMENT PLAN,

Plaintiff,

v.

STATE STREET BANK AND TRUST
COMPANY; AND ING
INSTITUTIONAL PLAN SERVICES
LLC, FORMERLY KNOWN AS
CITISTREET LLC,

Defendants.

07cv8488
Case No. 08-MD-1945 (RJH)

Case No. 09-CV-1899 (RJH)

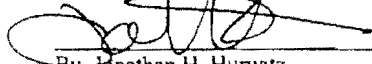
STIPULATION AND ~~PROPOSED~~ ORDER

IT IS HEREBY STIPULATED AND AGREED on behalf of the plaintiff
and defendant ING Institutional Plan Services, LLC (f/k/a CitiStreet LLC) ("CitiStreet"),
by and through their respective counsel, that the date by which CitiStreet shall serve and
file its Answer is extended to and including October 8, 2010.

There has not been any previous extension of this date.

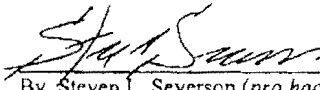
Dated New York, New York
October 1, 2010

PAUL, WEISS, RIFKIND, WHARTON &
GARRISON LLP



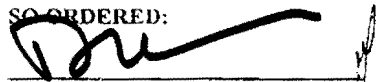
By Jonathan H. Hurwitz
(jhurwitz@paulweiss.com)
1285 Avenue of the Americas
New York, New York 10016-6064
Telephone (212) 373-3000
Fax (212) 492-0254
*Attorneys for Defendant ING Institutional
Plan Services LLC, f/k/a CiticStreet LLC*

FAEGRE & BENSON LLP



By Steven L. Severson (*pro hac vice*)
(sseverson@faegre.com)
2200 Wells Fargo Center
90 South Seventh Street
Minneapolis, MN 55402
Telephone (612) 766-7000
Fax (612) 766-1600
*Attorneys for Plaintiff Apogee Enterprises,
Inc on behalf of the Apogee Enterprises
Inc 401(k) Retirement Plan*

SO ORDERED:


Honorable Richard J. Holwell
United States District Judge

10/13/10